

DRAWING AMENDMENTS

Two new reference characters, 222 and 111, one for an element previously shown in the drawings and another for a newly added element that was described in the original specification, have been amended to Figs. 2 and 4 of the drawings in red ink along with the new element. A drawing amendment approval request form is enclosed herewith, as pursuant to MPEP 608.02(v).

REMARKS-General

1. The newly drafted independent claim 21 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 21-32 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.
2. The applicant chooses Species I, claims 1-3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 19, and 20, as the elected single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is final held to be allowable. The claims 4, 7, 10, 13, 16, and 18 are withdrawn in this application.

Response to Rejection of Claims 17, 19, and 20 under 35USC112

3. The applicant submits that the newly drafted claims 21-32 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

Regarding to Rejection of Claims 1 and 5 under 35USC102

4. The Examiner rejects 1 and 5 as being anticipated by Glover (US Patent Publication 2002/0092445). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the **invention** was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

5. In view of 35 U.S.C. 102(b), it is apparent that a person shall **not** be entitled to a patent when his or her **invention was patent** in this country more than one year prior to the date of the application for patent in the United States.

6. However, the Glover application and the instant invention are **not the same invention** according to the fact that the independent claim 21 of the instant invention does not read upon the Glover application. Glover fails to anticipate the distinctive features of the instant invention as follows:

(a) In claim 21, “a **plastic** tabletop comprising two table panels” is claimed to form the foldable table, wherein Glover does not mention any table top made of plastic.

(b) In claim 21, “the foldable frame comprises two identical **U-shaped tabletop supports**” is claimed to mount underneath the two table panels respectively, wherein Glover merely teaches cross supports 54, 56 extend between two side rails 38, 40 and are coupled to hinges 60, 62 without any mention of forming a one-piece U-shaped tabletop support. In addition, Glover merely discloses, [0035], the cross support 54 is coupled to and extends between second hinge members of the first and second hinges 60, 62. In fact, each cross support 54, 56 in Glover must be rotatably coupled between the side rails 38, 40 because the first link 182 of the lock mechanism 180 is extended to the cross support 54, 56 to guide the respective leg unit 20, 22 to fold on the bottom side of the table top. The application respectfully submits that each of the U-shaped tabletop supports has two longitudinal supports and a transverse support integrally extended between the two longitudinal supports. It is apparent that Glover fails to teach and anticipate the same recitation and limitation in the claim 21 of the instant invention of integrally extending the transverse support between the two longitudinal supports to form the U-shaped tabletop support. Accordingly, the U-shaped tabletop support not only enhances the strength of the plastic tabletop but also allows the tabletop support to be easily assembled to the table panel.

(c) In claim 21, “**two folding hinges** mounted between the two tabletop supports” is claimed to pivotally connect the two U-shaped tabletop supports with each other, wherein Glover merely teaches two hinges 60, 62 coupled to open ends of the respective side rails 38, 40. The applicant respectfully submits that the two side rails 38, 40 and the cross support 54, 56 are three individual components to incorporate with the hinges 60, 62. Therefore, the structural configuration between the folding hinges and the tabletop supports disclosed in the instant invention is different from the structural configuration between the side rail and the hinges in Glover.

(d) In claim 21, “two **connecting members** coupling with the tabletop supports underneath said table panels respectively” is claimed to transversely mount between the longitudinal supports of the tabletop supports, wherein Glover fails to anticipate and teach any connecting member between the side rails.

(e) In claim 21, “a retaining frame having a leg coupling end pivotally coupling with said respective standing leg and a table coupling end pivotally connecting to said respective connecting member to retain said standing leg” is claimed to retain the standing leg at the standing position, wherein Glover merely teaches the lock mechanism 180 extending between the leg unit 20, 22 and the cross support 54, 56 without any mention of any pivot connection to the connecting member. In fact, the transverse portion of each of the tabletop supports does not have any connection to the leg frame.

(f) In claim 21, “each of the connecting members is **positioned between the leg frame and the transverse support of the tabletop support**” is claimed, wherein Glover does not disclose any part positioned between the leg unit 20, 22 and the cross support 54, 56.

(g) The applicant respectfully submits the **unexpected results** of the structural configuration of the U-shaped tabletop support with the connecting member as claimed in claim 21 as follows:

(i) The U-shaped tabletop support provides **better support** to the table panel because no movable part is involved in the tabletop support. Therefore, the tabletop support can rigidly mount underneath the table panel without any clearance between the tabletop support and the bottom side of the table panel. As it is mentioned above, the cross support 54, 56 in Glover is rotatably extended between the two side rails 38, 40, a clearance must be formed between the cross support 54, 56 and the bottom side of the table top in order to allow the cross support 54, 56 to rotate. In fact, the cross support 54, 56 in Glover is not used for supporting the tabletop but merely used for guiding the leg unit 20, 22 to fold via the lock mechanism 180.

(ii) The length of the plastic tabletop can be further extended without weakening the strength thereof because the mid-portion of the tabletop is substantially supported by the transverse portions of the tabletop supports, the mid-portion of each of

the table panels is substantially supported by the connecting member, and the outer transverse edge portion of each of the table panels is substantially supported by the standing leg.

(iii) The length of the retaining frame can be minimized even through the length of the plastic tabletop is further extended because the retaining frame is pivotally extended to the connecting member but not extended to the cross support. In comparison with the Glover's table, the lock mechanism must be long enough to extend from the leg unit to the cross support such that the leg room underneath the table top is limited. In other words, the position of the connecting member can be selectively adjusted with respect to the size of the tabletop to increase the leg room of the foldable table. In addition, by reducing the length of the retaining frame, the user is able to easily fold the leg frame between the folded position and the unfolded position.

(iv) The U-shaped tabletop support can be easily **assembled** to the table panel, wherein the assembling operation of Glover's table requires the user or manufacturer to attach the side rails 38, 40 and the cross supports 54, 56 one-by-one. The foldable table of the instant invention provides a one quick step of attachment by simply placing the U-shaped tabletop support to the bottom side of the table panel.

7. Accordingly, Glover fails to anticipate the above distinctive features (a) to (g) including the unexpected results (i) to (iv). Therefore, Glover is not a qualified prior art of the instant invention and should be removed from the prior art list of the instant invention.

Response to Rejection of Claims 2, 3, 6, 8, 9, 11, 12, 14, 15, 17, 19, and 20 under 35USC103

8. The Examiner rejected claims 2, 3, 6, 8, 9, 11, 12, 14, 15, 17, 19, and 20 over Glover in view of Wen (US Patent Publication 2003/0005864). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was

made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

9. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

10. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Glover which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Wen at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

11. However, as recited above, Glover merely discloses a foldable table comprises two side rails 38, 40 and two cross supports 54, 56 rotatably extended between the side rails 38 without any mention of any integrally extending the transverse support between the two longitudinal supports to form the one-piece integral U-shaped tabletop support. Glover merely discloses the lock mechanism 180 pivotally extended from the leg unit 20, 22 to the cross support 54, 56 without any mention of any retaining frame pivotally coupling between the leg frame and the connecting member. In addition Glover does not teach any connecting member positioned between the standing leg and the transverse support of the tabletop support. In other words, Glover merely teaches the foldable table can be folded in half via the hinges 60, 62 without teaching how to reduce the length of the lock mechanism for increasing the leg room of the table and how to strengthen the plastic tabletop.

12. The applicant respectfully submits that in order to determine whether the differences between the subject matters sought to be patent as a whole of the instant invention and the primary prior art, Glover, are obvious in view of the supplemental cited art, Wen, we have to identify all the differences between the claims of the instant inventions and Glover. Accordingly, the difference between Glover and the instant

invention as claimed in claims 21 to 32 is not limited to the disclosure of "foldable table", but includes the above distinctive features (a) to (g). In addition, regarding to claims 21 to 32, the instant invention further contains the following distinctive features:

(h) Glover does not teach the table panels comprises **two longitudinal rims** to form a support channel between two supporting walls as claimed in claim 22 in addition to what is claimed in claim 21 as a whole. The Examiner alleges the foldable table of Glover contains the longitudinal rim having the two supporting walls and the supporting channel, wherein the two supporting walls are of differing heights with the inner wall being shorter than the outer wall. However, throughout the description and drawings of Glover application, there is no description of the surrounding rim and there is even no reference number appointing to the rim in Glover application. The main objective of Glover application is to introduce the concept of having a handle pivotable about the frame and a latching mechanism to secure the table in the opened position. In order to achieve the main objective of Glover application, there is nothing to do with the surrounding rim. Therefore, Glover application does not suggest any relationship between the surrounding rim and the two side rails 38, 40 with two cross supports 54, 56. In other words, it is a totally different conception between Glover application and the instant invention. The applicant respectfully submits the longitudinal support of the instant invention is received in the support channel such that the depth of the support channel must be at least the same height of the longitudinal support.

Indeed, the only mention of surrounding rim and how to incorporate the U-shaped tabletop support to engage with the surrounding rim for mounting the U-shaped tabletop support underneath the tabletop is in applicants own specification and claims. Accordingly, it appears that the Examiner has fallen victim to the insidious effect of a hindsight analysis syndrome where that which only the inventor taught is used against the teacher in *W.L. Gore and Associates v. Garlock, Inc.*, 220 USPQ 303, 312-313 (Fed. Cir. 1983) cert. denied, 469 U.S. 851 (1984).

(i) Glover does not mention each table panel has a **receiving cavity formed within the two longitudinal rims and the bottom side of the table panel** to receive the standing leg at the folded position as claimed in claim 23 in addition to what is claimed in claim 21 as a whole. Glover merely teaches the leg units 20, 22 are folded on the bottom side of the table top between the two side rails 38, 40.

(j) Glover fails to teach and suggest the folding hinges comprising a **pivot hinge** and **two hinge arms** oppositely extended from the pivot hinge to securely connect to two inner ends of the two corresponding longitudinal supports of the tabletop supports respectively as claimed in claims 24 to 26 in addition to what is claimed in claim 21 as a whole. Glover merely teaches, [0035] to [0036], the hinge is somewhat saddle-shaped and have a plate or channel 124 shaped to receive open ends 42, 44 of the side rails 38, 40, and each hinge member includes first and second upwardly extending arms 126, 128. It is apparent that the hinge member in Glover is different from the folding hinge of the instant invention including the pivot hinge and two hinge arms.

(k) Glover does not suggest the height of the standing leg is shorter than a length of the longitudinal support as claimed in claims 27 to 29 in addition to what is claimed in claim 21 as a whole.

(l) Glover does not suggest the **two biasing walls** of the table panels are biased with each other to align the two table panels side-by-side as claimed in claims 30 to 32 in addition to what is claimed in claim 21 as a whole. Glover merely teaches the latching mechanism to secure the table in the opened position.

13. Whether the claims 21 to 32 as amended of the instant invention are obvious depends on whether the above differences (a) to (l) between the instant invention and Glover are obvious in view of Wen at the time of the invention was made.

14. Furthermore, the applicant respectfully submits that when applying 35 USC 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (c) The references must be viewed without the benefit of hindsight vision afforded by the claimed invention; and
- (d) Reasonable expectation of success is the standard with which obviousness is determined.

Also, "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 4 USPQ 2d 1097, 1103 (DCNJ 1987).

15. Wen merely teaches a table assembly having a plurality of fastening clamps to fasten the leg devices to the table plate. Wen merely teaches two channels 13 receiving two reinforced rods 4 without any mention of any structural connection between the reinforced rods 4 and the leg devices 2 through the channels 13. Wen merely teaches the support plates 24 attached to the recesses 11 at the table plate 1 without any mention of any structural connection between the support plates 21 and the reinforced rods 4. In fact, Wen merely teaches a table which is assembled easily without teaching how to fold the table in half, how to enhance the strength of the table, and how to provide better leg room under the table. Therefore, neither Glover nor Wen suggests a foldable table containing the above distinctive features (a) to (l) as claimed in the instant invention as well as any combination or possibility of providing a foldable frame structure for rigidly supporting the table panels via the U-shaped tabletop supports and reducing the length of the retaining frame via the connecting member to increase the leg room of the table.

16. "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness..." In re Gorman, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

17. Accordingly, the applicant believes that neither Glover nor Wen, separately or in combination, suggests or makes any mention whatsoever of the difference subject features (a) to (l) as claimed in the amended claims 21 to 32 of the instant invention.

18. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

The Cited but Non-Applied References

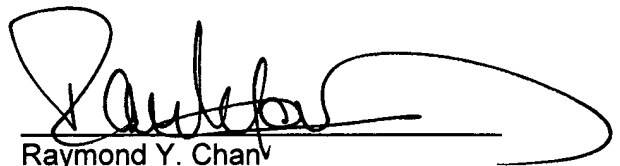
19. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

20. A set of formal drawings, Figures 2 and 4 as the replacement sheets, are submitted herewith to replace the corresponding original figures in file upon the approval of the proposed drawing correction of Figure 2 and 4.

21. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 21-32 at an early date is solicited.

22. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

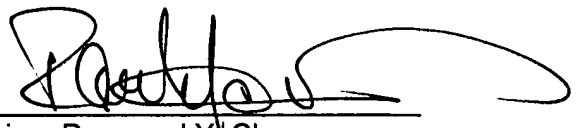


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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 05/09/2006

Signature: 
Person Signing: Raymond Y. Chan

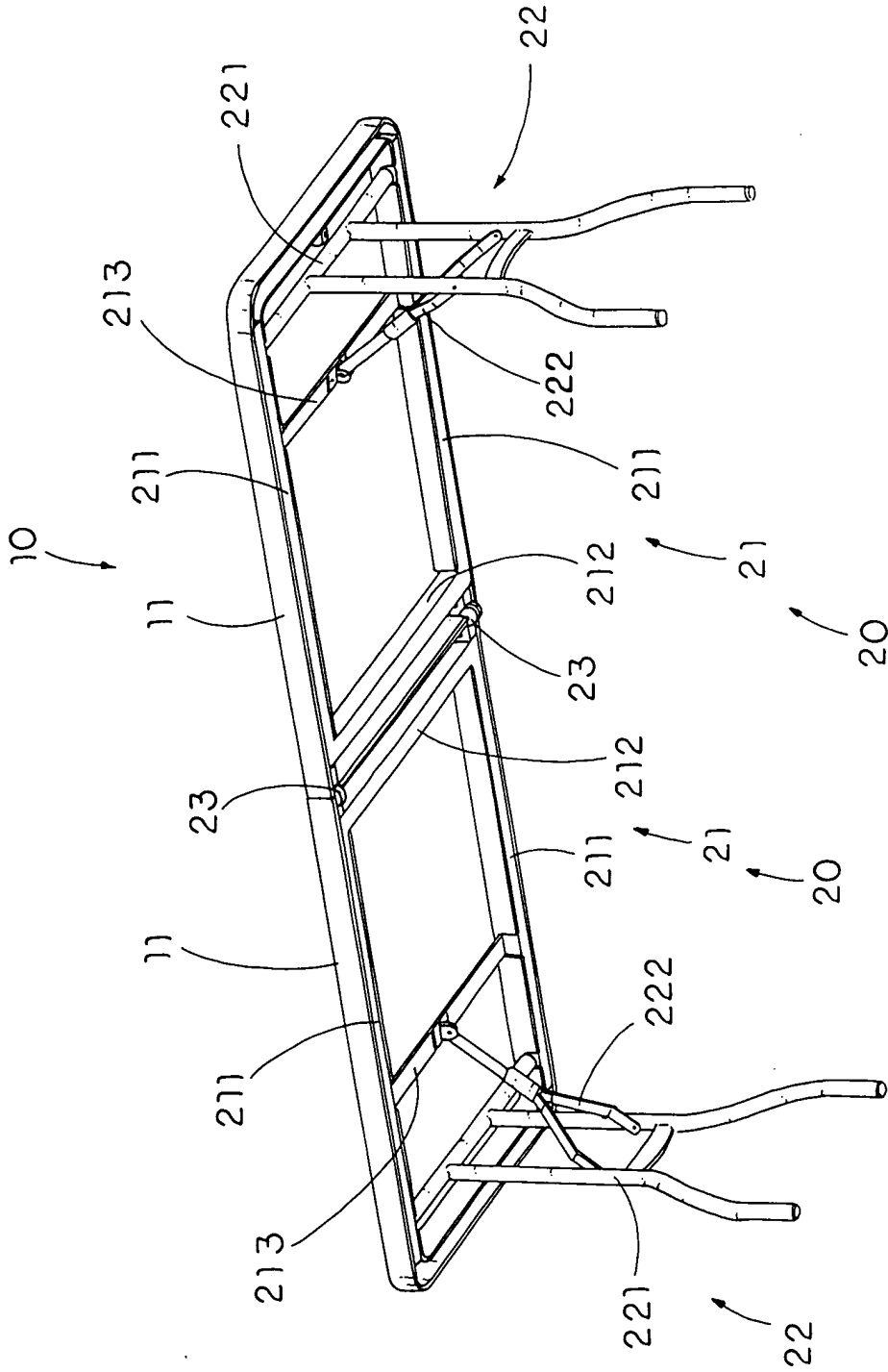


FIG.1

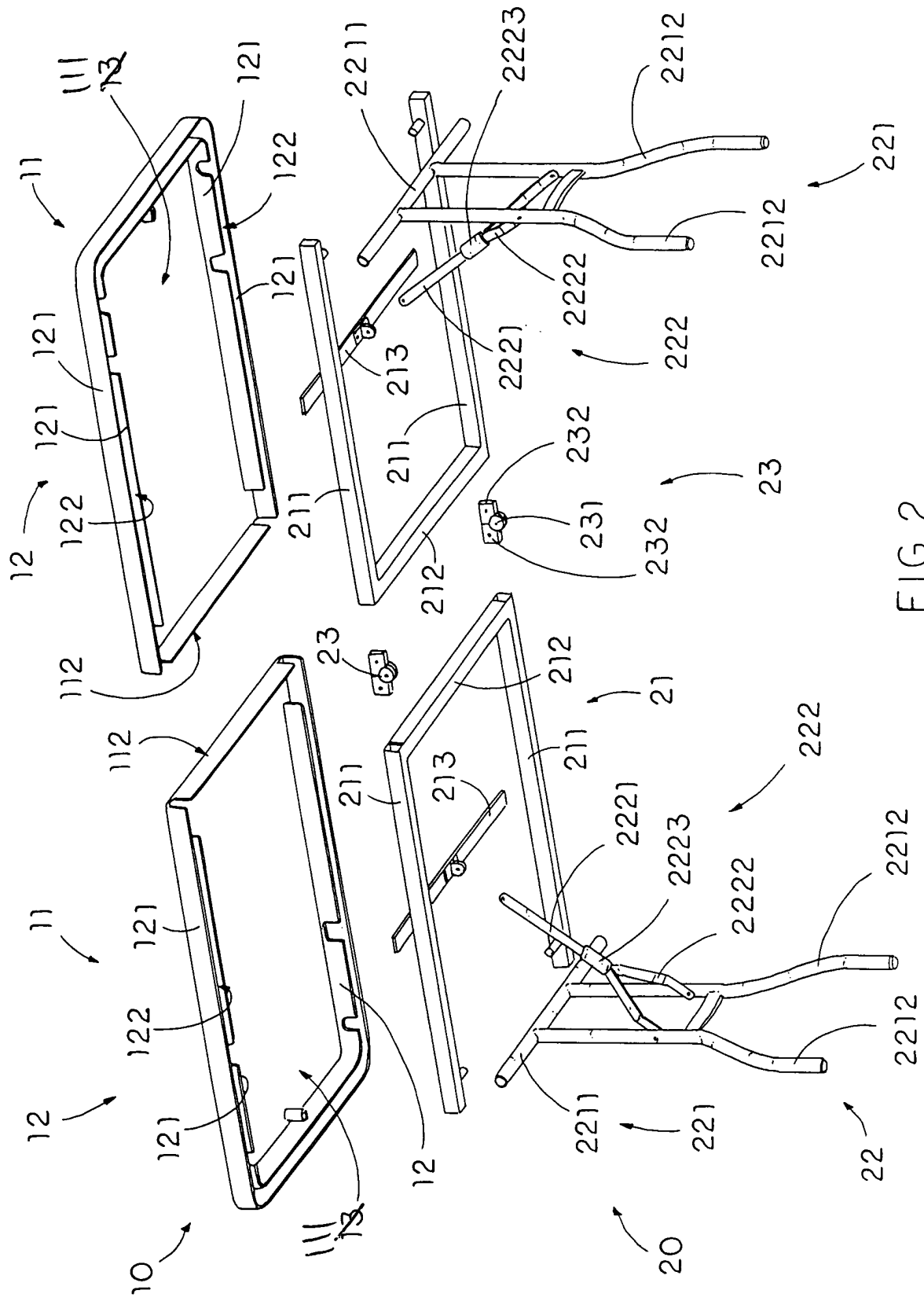


FIG. 2

Proposed Drawing Correction

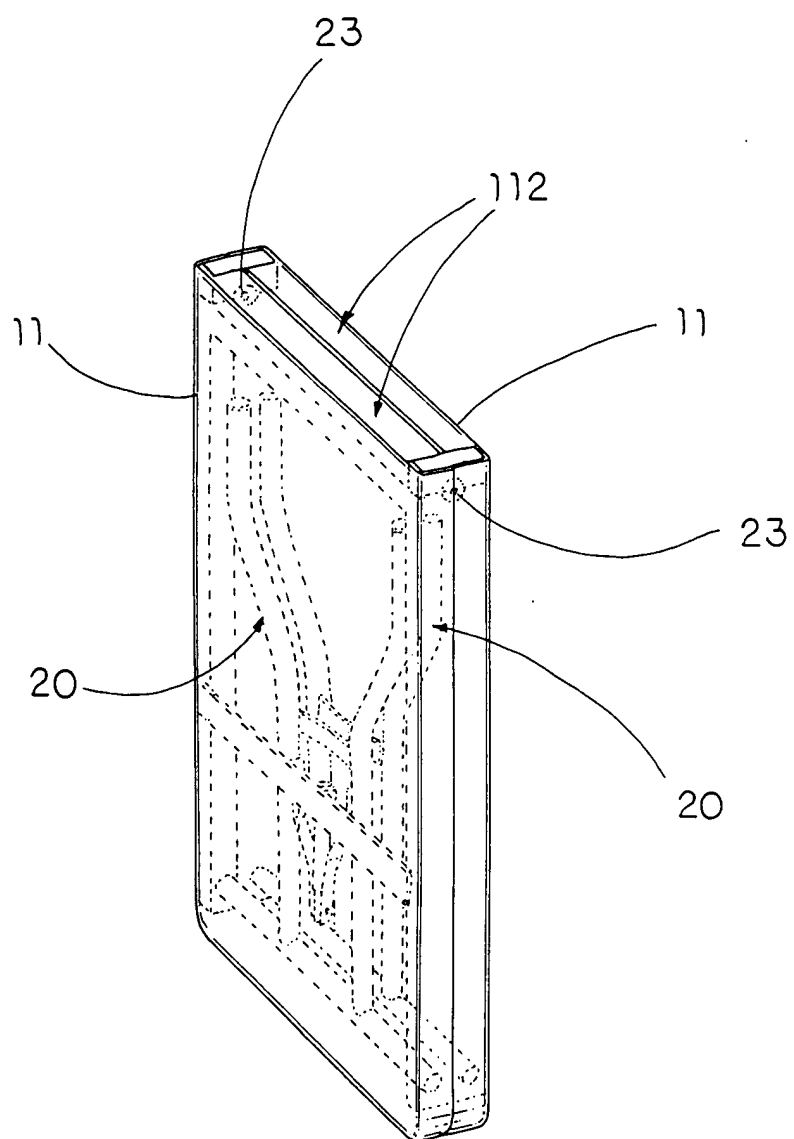
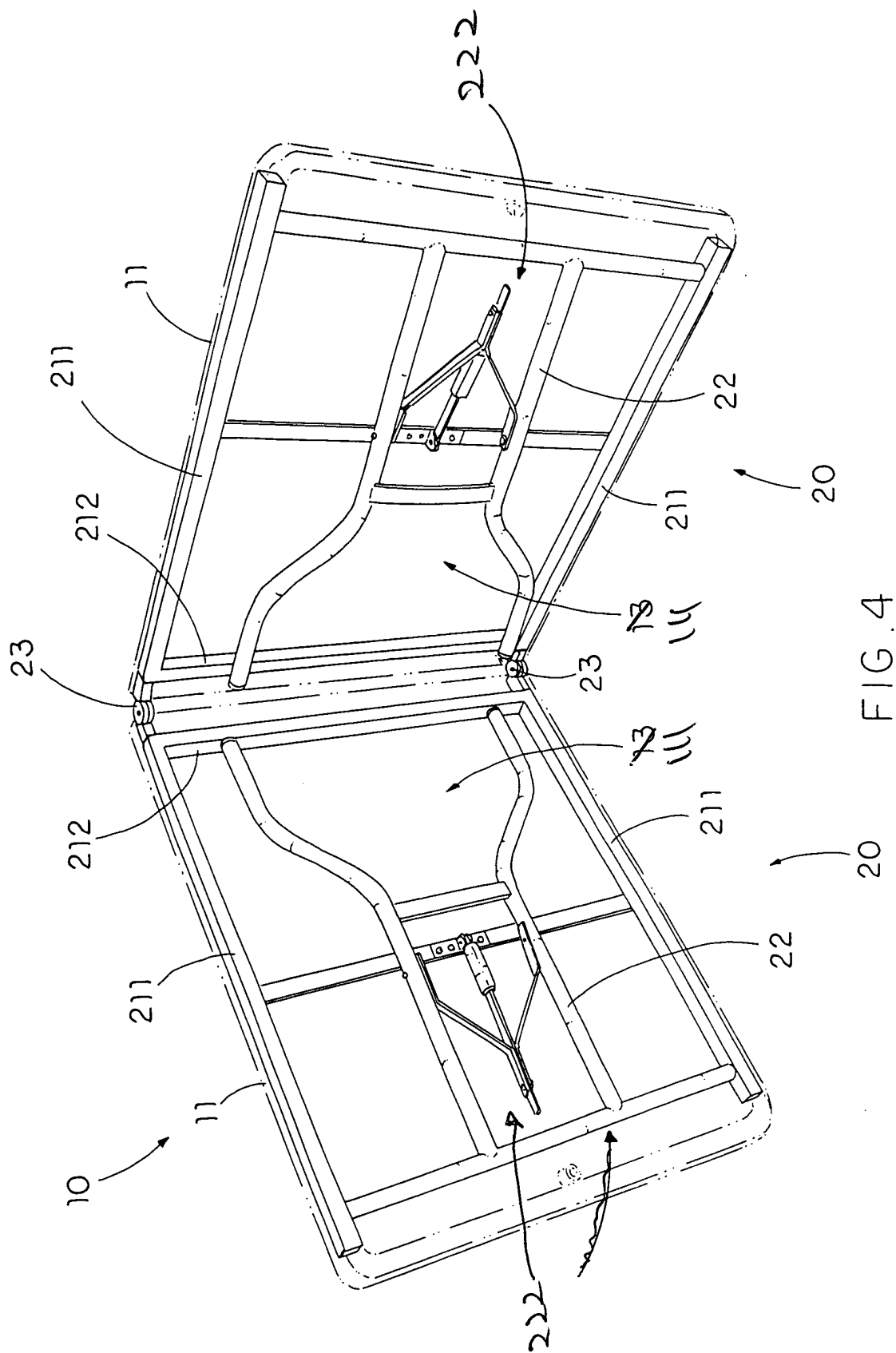


FIG. 3



Proposed Drawing Correction

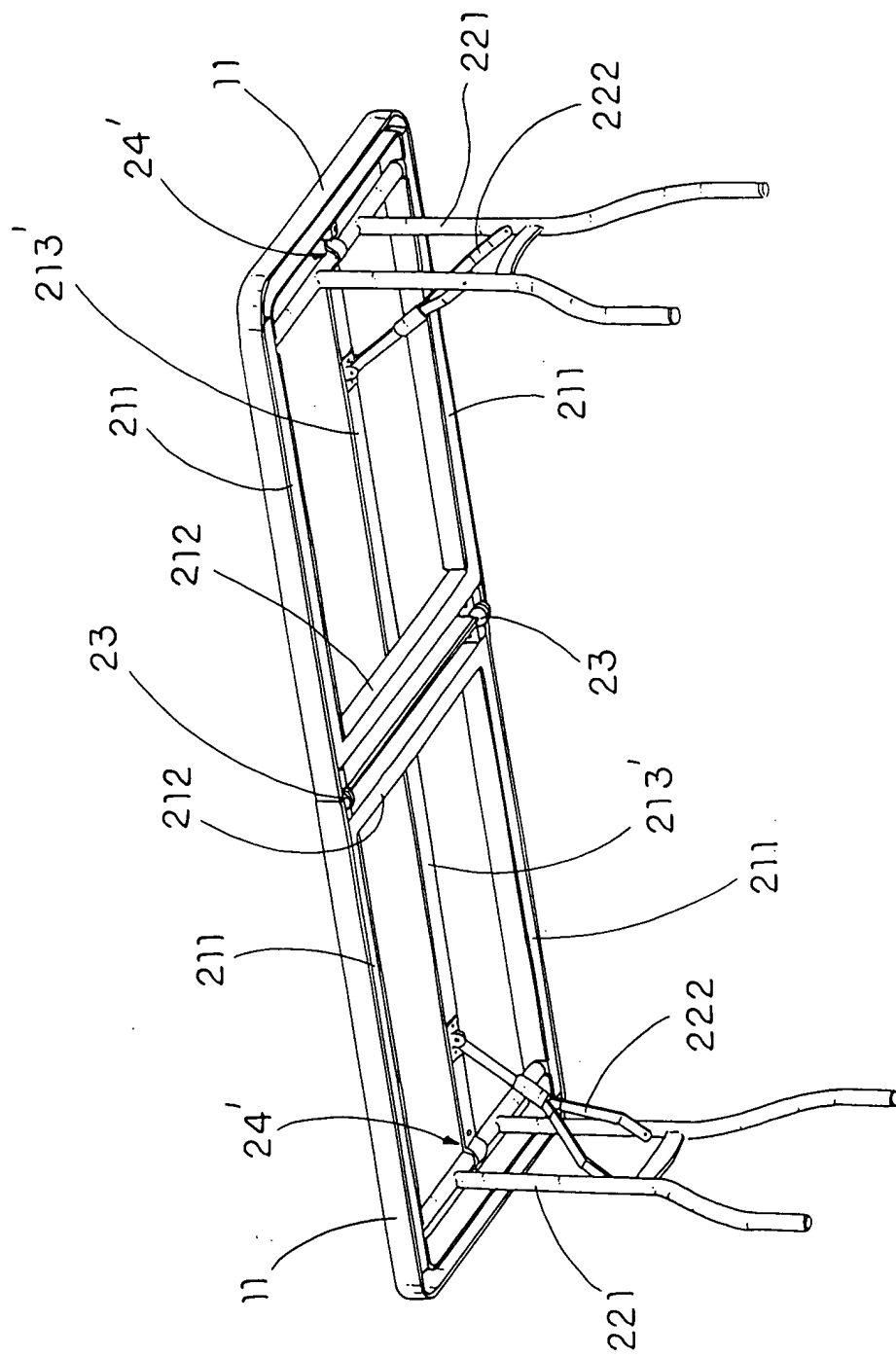


FIG. 5